

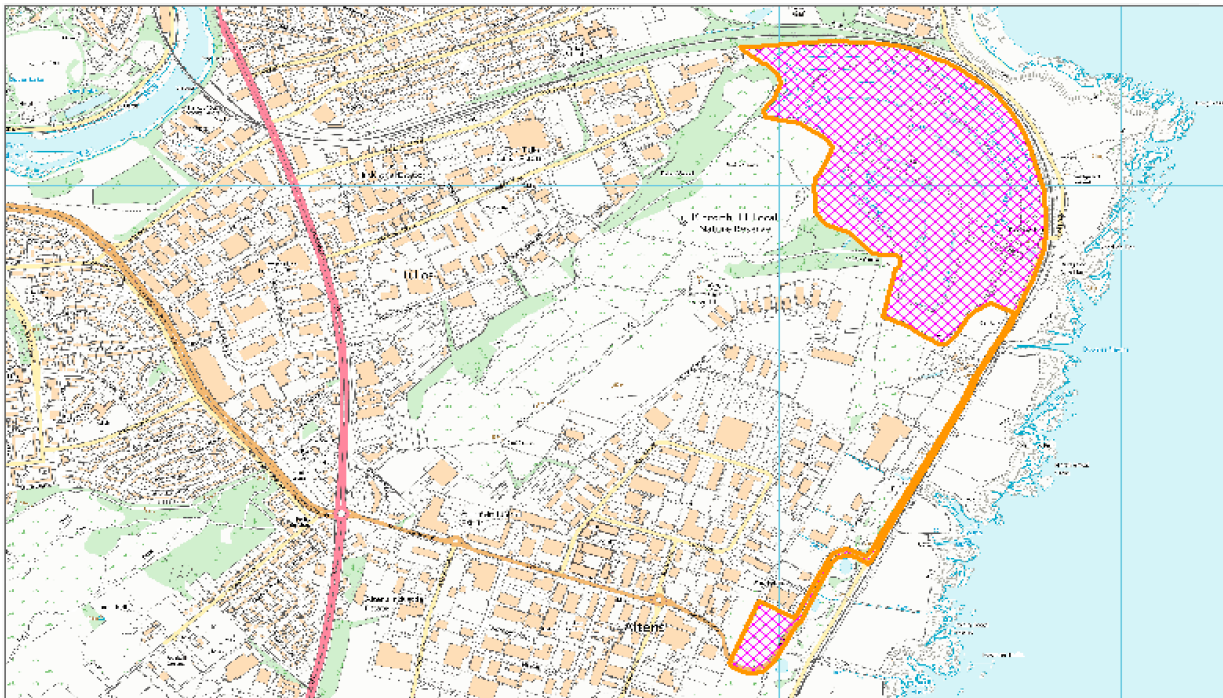


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 29th June 2023**

<b>Site Address:</b>	Hareness Road And Ness Former Landfill Site, Coast Road, Aberdeen, AB12 3WN
<b>Application Description:</b>	Erection of a hydrogen production and vehicle re-fuelling facility, solar farm and underground solar grid connection (Aberdeen Hydrogen Hub)
<b>Application Ref:</b>	230299/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	13 March 2023
<b>Applicant:</b>	BP Aberdeen Hydrogen Energy Limited
<b>Ward:</b>	Kincorth/Nigg/Cove
<b>Community Council:</b>	Cove and Altens
<b>Case Officer:</b>	Lucy Greene



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**RECOMMENDATION: Approve conditionally**

## **APPLICATION BACKGROUND**

### **Site Description**

A large site covering 54 Ha has been identified, including Ness former landfill site, a corridor along Coast Road and site on Hareness Road.

The landfill site is a gently sloping hillside to the west of, and bounded by, the railway and Coast Road, which run roughly parallel to the sea. The landfill site is grassed and there are vents, manholes, ditches and swales dotted across the site. The site extends to around 49ha, although only 28ha are subject to the solar farm proposal. To the east is coastal land with the South Harbour to the north east and Nigg Wastewater Treatment Works to the immediate north. The Site of Special Scientific Interest (SSSI) at Nigg Bay lies on the opposite side of Coast Road to the north east at a lower level. To the west is Tullos Hill, an area of heathland designated as a Local Nature Conservation Area and containing six scheduled ancient monuments (SAM) on the ridge top; East Tullos is an industrial estate to the north east of that.

The site extends south and includes a linear area of land between Coast Road / the railway and the edge of industrial sites on Hareness Place and Road. At the south extremity of the red lined area is a vacant site within the industrial area, on the corner of Hareness Road. An area of around 1ha adjacent to the former Irvin House forms the southern part of the development site, comprising open scrubland gently sloping to the east.

### **Relevant Planning History**

Application Number	Proposal
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221408/PAN	Construction of Hydrogen Production and Re-fuelling facility, Solar Farm and connecting cable route Hareness Road/ Ness Landfill Site To The West Of The Coast Road Aberdeen Pre-application Forum – 9 <sup>th</sup> February 2023
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221466/PREAPP	Proposed development and uses, access, layout, indication of massing, materials and any other relevant information in connection with Hydrogen Production and Re-fuelling facility, Solar Farm and connecting cable route Response: January 2023
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## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The development proposal involves the formation of an onshore hydrogen production and refuelling facility on land north of Hareness Road, formation of a solar farm on the former Ness landfill site, and the creation of a cabled power connection between the two sites. The hydrogen production facility is proposed to be powered by electricity generated by the solar farm. Ultimately it is envisaged that the hydrogen produced on site would be used to fuel public sector and local bus fleet vehicles, with this scope potentially extended in the future to serve rail, truck and marine applications, with production taking energy from larger scale renewable sources, such as offshore wind. This application relates to the initial phase 1 proposals of a wider project of which details have not been provided. Both elements of the proposal would be connected to the electricity grid.

### **Hareness Road (hydrogen production and refuelling)**

A site of approximately 1ha is proposed, with production being up to 900kg per day and this would be a twenty four hour, seven days a week operation. Built development would include: a concrete

plinth being formed to support three (3 no) vehicle hydrogen dispensers, electrolyser (which splits water into Hydrogen and Oxygen), compressors, Hydrogen storage, station module and substation and a local electrical sub-station.

Two access points off Hareness Road are proposed. Fencing and ancillary works are also proposed. The proposal would take the form of a small depot with tanks and pipes surrounded by boundary treatments, and a separate refuelling parking bay area to the front, adjacent to the public road. There would be a firewall between the hydrogen production area and the fuel dispensing area. Pole mounted CCTV would be installed around the site, pole height would be up to 8m.

The hydrogen from this initial phase would be used by buses from First Bus and Aberdeen City Council vehicles. The hydrogen facility would also be connected to the grid for back up. It is noted that the hydrogen equipment has not yet been procured and the plans indicate the presumed maximum heights.

A drainage detention basin would be installed towards the front (east) of the site as this is the lowest point. Landscaping would take place in the form of wildflowers and grasses with a group of trees in the northern corner of the site

It is indicated that the cable would be below ground and would carry 11Kv. The route for the cable would be along the west edge of Coast Road and road verge swapping to the eastern road/verge edge along Hareness Road, connecting the hydrogen hub with the solar farm.

#### **Former Ness Landfill (solar farm)**

The former Ness landfill site (circa 49ha) is proposed to accommodate a solar farm, largely comprised of banks of photovoltaic panels arranged on the elevated north and east facing slopes. The area to accommodate the banks of pv panels ranges in height above sea level of between 54m OAD and 66m AOD, the latter corresponding very roughly with the ridge of Tullos Hill. There is an existing post and wire fence around the wider landfill site and this would remain with additions at the entrance. PV panels would be angled towards the south and would have concrete strip foundations consisting of two strips of concrete at each end of the panels, resulting in a maximum 4m height above ground. The final details are still subject to investigation depending on wind analysis, following further detailed design, should planning permission be forthcoming. No ground excavation would be carried out as this is a capped landfill site, with a topsoil capping layer of 800mm. CCTV cameras on 2.5m poles would be installed around the perimeter of the area of solar panels, within the existing fence line.

There would also be electrical transformers, DC to AC inverters, switchgear, metering system and small sub-station with connection point to a solar grid connection. The existing access off the Coast Road and internal road network would be retained, with a short section near to the entrance being upgraded. The existing surface water SUDS and filter system adjacent to the Coast Road would be maintained. Across the remainder of the site the existing tracks would be used for construction.

#### **Solar Grid Connection**

An underground solar grid electrical cable connection is proposed between the solar farm and hydrogen production site. This will run largely north-south, parallel to the Coast Road on its west side and then along Hareness Road. The cable trench would extend to a depth of around 1-2m, with a width of around 1-1.5m, containing a range of high and low voltage cables.

## **Construction Traffic**

A plan has been submitted for the management of construction traffic. The applicant states that a finalised plan would be submitted via planning condition, however, as this is controlled through Roads Construction Consent (RCC), this is considered unnecessary.

It is envisaged that all materials, plant, equipment and vehicles would be stored on site during construction. Construction traffic would approach the site from the south off Wellington Road and Hareness Road, avoiding residential areas such as Torry and the city centre.

## **Natural Environment**

Surveys for protected species and breeding birds have been carried out and the results submitted. There is evidence of badgers using areas around the perimeter of the site on Tullos Hill and again towards the rear (west) of the Hydrogen site. Although any setts found were far enough from the site to not be impacted by development, due to gorse cover and amount of activity noted, it is recommended that pre-construction surveys take place.

Surveys also took place for bats, otters and water vole and invasive non-native plants, only the latter were found.

A Landscape and Visual Impact Assessment has been submitted and this shows views of the proposed solar farm site from various vantage points, in their existing form and with the development added.

## **Amendments**

Following discussions with the applicant's agents, various options have been provided for the location of the sub-stations, other equipment and storage close to site entrance, in order to accommodate possible land take for future Coast Road improvements.

Re-positioning of solar panels away from highest level of landfill to take account of the setting of the Cairns on Tullos Hill.

Both the matters above will be covered by conditions that require finalised details to be submitted.

## **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRG8YQBZHGE00>

Noise Impact Assessment by AECOM Limited (Ref. Issue 2 Project number: 60662009, Document Reference: AHH-ACM-PH1-ZZ-RP-EN-011, Revision: n/a, Date: 3 March 2023

Environment Report by AECOM 9 March 2023

Landscape and Visual Assessment;

Transport Statement ;

Preliminary Ecological Appraisal (PEA);

Protected and Notable Species Report;

Wintering Birds Survey;

Habitats Regulations Appraisal Screening Report;

Heritage Assessment.

Glint and Glare Assessment;

Drainage Impact Assessment;

Breeding Birds Survey.

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it falls into the category of Major development.

## **Pre-Application Consultation**

The applicant undertook statutory pre-application consultation which included:

Two public events were held in St Fittick's Parish Church, Walker Road, Torry in December 2022 and January 2023. The events were advertised in the Press and Journal at least 7 days before and posted on Aberdeen City Council's social media accounts.

Notifications sent to Torry, Nigg and Cove and Altens Community Councils, local ward Members, MPs and MSPs and a range of local groups, including Friends of St Fitticks Park.

Comments could be made on the presentation boards via post-it notes, written comments at the event, online, email and via a telephone line. The results of the public consultation are summarised in the submitted PAC report.

The applicant presented to the Council's Pre-Application Forum on 9<sup>th</sup> February 2023.

## **CONSULTATIONS**

**Archaeology Service (Aberdeenshire Council)** – Agree with findings of the Heritage Statement and have no further comments.

**ACC - Roads Development Management Team** – Comments as follows:

- Bus stop on west side of Hareness Road would need to be moved due to the development and footway extended to the bus stop. This may be impacted by the Coast Road/Hareness Road improvement work. In order to avoid abortive works, final details should be required by condition.
- Content with Drainage Strategy
- Content with site access and footway arrangements. Parking on site is acceptable.
- Current visibility splays at Solar site are acceptable based on the existing bridge arrangement.
- Turning is available within the solar site so that vehicles can enter and exit in forward gear.
- Access arrangements to the Hydrogen site are acceptable.
- Notes how the hydrogen site would operate, in order to avoid queues building up the site would accommodate vehicles waiting on Hareness Road. It is noted that only authorised vehicles would be able to use the facility with a fob or other access system. It is noted that there would be separate dispensers for cars/vans and buses/HGVs.
- Swept path analyses for the hydrogen site have been submitted and are acceptable.
- The route to be taken for buses, via Wellington Road, is noted. Buses would refuel between 1800 – 0330. Waste vehicles based at Altens Depot would incorporate the site as pass-by trip.
- SUDS measures are acceptable, no water retaining features are permitted within 5m of the road. The hydrogen site detention basin would not be within 5m of the road as existing. This may require consideration in relation to the Aberdeen City South Harbour Link Road Improvements (ASHLR) works, which involve widening of Coast Road and Hareness Road, and a suitable condition should be attached.
- In relation to the ASHLR, it was noted that the sub-station and other equipment had been located close to site entrance (a change from the location shown at pre-application stage) and this land may be required for the revised road alignment and new road bridge over the railway line. It is noted that a site plan showing alternative locations has been submitted and is the subject of condition.

- In terms of the cable routing within the existing road, the developer would be responsible for all diversionary and protective works in relation to the ASHLR project.
- There is a possibility that land within the red line boundary is required for the ASHLR project. It is noted that this is the subject of a condition in relation to the access.
- Noted that there has been submitted a Construction Traffic Management Plan. This will be reviewed and agreed at a later stage. The proposal is for construction traffic to approach and leave the site to/from the south, using the main routes (A956 etc.) which would be the preferred option.

**ACC - Developer Obligations** – No developer contributions are required to mitigate the impact of the development.

**ACC - Environmental Health** – The Noise Impact Assessment was reviewed and is considered acceptable in relation to expected noise levels and likely impact on sensitive receptors during day and at night. This is providing a condition is attachment requiring equipment to comply with certain noise emission data.

**ACC - Structures, Flooding and Coastal Engineering** – No objection; comments as follows: Agree that there will be no change to the rainfall intensity, catchment area and therefore surface water volume, however there is the potential for increased site runoff rates. Solar PV foundations, cabling and access track etc may increase the site run-off rate and this may be significant considering the site size.

The impact on runoff rate should be demonstrated and where present, mitigation need to be proposed to support no impact to the existing run-off rates. This should be conditioned.

Updated Drainage Strategy is required to deal with Flood Team's comment regarding the Hydrogen Facilities site;

*Within the 'Surface Water Drainage Strategy' document (par. 5.4) they mentioned the 'However, the proposed development and its drainage arrangement must not create any flood risk arising from rainfall in excess of the capacity of the drainage system. A drainage network check must therefore also be performed to ensure that surface water flooding and overland flow posed by a 1 in 200 year return period storm does not cause flood risk to persons or property, From the topography and the site layout it can be seen that surface water runoff in excess of the capacity of the drainage and SuDS system will shed off the site and onto and across Hareness Road. There are no existing buildings or properties downstream of the site that are at risk from overland flow arising from within the proposed development. It is therefore considered that the proposed drainage arrangement does not increase flood risk to others.'*

*It is recommended that no water will leave the site up to the 1 in 200 years event and increase flood risk to the public road (Hareness Road).*

The submission of an updated Drainage Strategy can be conditioned.

**Scottish Environment Protection Agency** – No objections; the following comments:

Water quantity and quality – no site specific comments. Solar farm is considered as essential infrastructure as a form of '...renewable, low-carbon and zero emission technologies for electricity generation...' which is defined in Policy 11 a (v) to include solar arrays. As per Policy 22 a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: (i) essential infrastructure where the location is required for operational reasons. SEPA therefore consider this element of the application to fall under our [Flood Risk Standing Advice](#) Section 5.

Parts of the site are within the surface water flood extent shown in the SEPA Flood Maps. SEPA considers water quantity aspects of surface water flooding to be under the remit of local

authorities. The Flood Management Team or Roads / Engineering Team at the local authority is likely to have greater local knowledge of the site and therefore, may be better placed to provide more detailed advice on this aspect. Additional advice can be found in Section 1 of SEPA's [Flood Risk Standing Advice](#).

However, SEPA note that all requirements of the current landfill licence would still require to be complied with fully, SEPA's main concern being ensuring that any capping or restoration works required under the licence are not affected or impacted by the installation of the solar farm. Additionally, we would also expect that any monitoring boreholes required under the licence remain in place and suitable access for monitoring and maintenance is provided. Provision for accessibility for a drilling rig in the event any borehole requires re-drilling or replacement should also be considered.

**ACC - Natural Environment Policy Team** – Landscape planting is requested to help screen the solar farm and contribute to a gain in biodiversity, whilst it is appreciated that tree planting cannot take place on the landfill. Confirmation is sought on the method and timing of the seeding for the solar farm site. A landscape management plan is requested. It is highlighted that trees proposed to be planted in the hydrogen site should be native species. A Construction Environmental Management Plan is sought.

**Civil Aviation Authority** – No comments received

**ACC - Land and Property Assets** – No relevant comments.

**Network Rail** – Satisfied with applicant's agent's assessment on traffic using bridge over railway, and do not require any mitigation measures.

**Scottish Water** – No objections; draws attention to a 1000mm surface water sewer in the development area (Hydrogen Hub)

**Historic Environment Scotland** – No objection as proposals do not raise issues of national significance, however, some concerns over impacts. Confirms there are no direct impacts on six scheduled monuments - Tullos Cairn (SM4055), Crab's Cairn (SM4060), Baron's Cairn (SM4126), Loirston Country Park Cairn and Dyke (SM12342) and Cat Cairn (SM4125) which lie on the ridge of high ground at Tullos Hill. Views to and from the monuments are a key part of their setting. Crab's Cairn would be in proximity of the solar panels as shown in the photomontage VP5. Although the panels would be relatively low in height and set behind a fence, there would be an adverse impact on the setting of the monument. It is recommended that mitigation measures are put in place with a suggestion being the positioning of the panels in such a way to open up views of the surrounding land and sea.

Satisfied that there would only be a minor impact on St Fittick's Church (SM10400) a monument dating back to the 13<sup>th</sup> century, having been reconstructed in the 18<sup>th</sup> century and abandoned in 1829.

**Cove And Altens Community Council** – No comments received

## **REPRESENTATIONS**

None

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

### **Development Plan**

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

Policy 1 – Tackling the Climate and Nature Crisis  
Policy 2 – Climate Mitigation and Adaptation  
Policy 3 – Biodiversity  
Policy 4 – Natural Places  
Policy 7 - Historic Assets and Places  
Policy 8 – Green Belts  
Policy 9 – Brownfield Land  
Policy 11 – Energy  
Policy 13 – Sustainable Transport  
Policy 14 – Design, quality and place  
Policy 20 - Blue and green infrastructure  
Policy 22 – Flood Risk and water management  
Policy 23 - Health and safety  
Policy 25 - Community Wealth Building  
Policy 26 – Business and Industry

#### **Aberdeen Local Development Plan (2023)**

The following policies are relevant –

NE1 – Green Belt  
NE2 – Green Space Network  
B1 – Business and Industrial Land  
B5 – Energy Transition Zone (ETZ) .  
WB1 – Health Developments  
WB2 – Air Quality  
WB3 – Noise  
NE2 – Green and Blue infrastructure  
NE3 – Our Natural Heritage  
NE4 – Our Water Environment  
D1 – Quality Placemaking  
D4 – Landscape  
D5 – Landscape Design  
D6 – Historic Environment  
R7 – Renewable and Low Carbon Energy Developments  
I1 – Infrastructure Delivery and Planning Obligations



T2 – Sustainable Transport

T3 - Parking

OP61: Doonies

OP62: Bay of Nigg OP64: Former Ness Tip

### **Interim Aberdeen Planning Guidance and Technical Advice Notes**

Aberdeen Planning Guidance is interim planning guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Transport and Accessibility
- Air Quality
- Noise
- Landscape
- Natural Heritage
- Flooding, Drainage and Water Quality
- ETZ Masterplan - in preparation and on the agenda for this committee meeting.

### **Other National Policy and Guidance**

Historic Environment Policy for Scotland (HEPS)

Managing Change in the Historic Environment Guidance: Settings

### **Other Material Considerations**

- Climate Change Plan (2018-2032)
- Draft Energy Strategy and Just Transition Plan (2023)
- Hydrogen Action Plan (2022)
- Scottish Government Hydrogen Policy Statement (2020)
- Scottish Government Renewables Planning Advice (2011)

## **EVALUATION**

### **Principle of Development**

#### Climate and Nature Crisis

Tackling climate change and the nature crisis are overarching policies within national policy. The development proposal is for the purpose of generating electricity from solar power and using this for the process of producing hydrogen, both being renewable sources of energy and no emissions of greenhouse gases. The proposal therefore helps towards tackling climate change, with the resultant impact on reducing the impact of climate change on nature. In principle, the proposal complies and furthers the aims of Policy 1 Climate Change and Nature Crisis, and Policy 2: Climate Mitigation and adaptation in NPF4. In terms of the location impact on the natural environment, this is dealt with below.

#### Renewable Energy

Renewable energy and zero emission technologies are supported by Policy 11 in NPF4 and R7 in the Aberdeen Local Development Plan 2023 (LDP). Whilst these proposals must not cause

significant harm to the local environment, landscape character, or the amenity of dwellings. None of the application site area falls into areas designated for landscape or natural heritage reasons. The impacts on communities, individual dwellings, visual impact and noise are dealt with below. The solar farm would be sited on brownfield land having been used for landfill, its use for other purposes is very much limited for various reasons and the proposed use would comply with Policy 9 in NPF4.

#### Local Development Plan Allocations

The land in which the solar farm – hub / grid connection route passes through a range of land zonings: OP64, (Ness Solar Farm) OP61 (Doonies), B1, Green Belt and Green Space Network.

The Hareness Road site is zoned as 'B1 Business & Industry' in the adopted Aberdeen Local Development Plan 2023. Policy B1 is the principal policy that applies and offers support for commercial uses (mainly Class 4, 5 and 6), which the hydrogen hub would fall within (Class 5). Policy 26 in NPF4 also supports business and industry on allocated sites. The policy also includes requirements for landscaping, taking into account impact on residential amenity, sensitive uses and natural and historic environment which are dealt with further below.

The linear area of land within the red line site boundary that extends along Coast Road between its junction with Hareness Road and the landfill area is designated as Green Belt + Green Space Network for part of its length and also Energy Transition Zone and Green Space Network. Although Green Belt policy (NE1) in LDP carries a presumption against development, subject to limited exceptions, this area is required for the buried cable only and there would be no tension with land use policies. Depending on who would be ultimately responsible for installing the cable, this may be done under permitted development rights available to statutory undertakers.

Finally, the former Ness landfill is in the most part zoned as opportunity site 'OP64 Ness Solar Farm' in the LDP, described as suitable for a solar farm. Although the site boundary of the application extends around the entire landfill, whilst the areas proposed for solar panels roughly equate to the area of the opportunity site, the solar panel coverage would partially extend into green belt on the east and southern sides, whilst the entrance and associated equipment would lie largely within the Energy Transition Zone and the southern section of OP62 (area which includes the Harbour and is unmarked on plan below). The proposed outer areas of the landfill are zoned as Green Belt and Green Space Network (within NE2). The site of the proposed solar farm also occupies small areas of land allocated as OP61 Doonies (Energy Transition Zone) and OP62 Bay of Nigg (Aberdeen South Harbour / Energy Transition Zone) to the south east and north east respectively.

The minor incursion of the solar farm into green belt areas would mean that those areas should be considered in relation to the general presumption against development and the exceptions to that, included within Policy NE1 (Green Belt) in the LDP. That policy allows for proposals related to the generation of renewable energy, including solar farms. The solar farm therefore complies with LDP land use policies in principle.

Policy B5 ETZ in the LDP presumes in favour of development of infrastructure required to support renewable energy related industries, including solar. This policy does not envisage solar farms being located within the area. However, given that the solar farm is identified for the adjacent OP64 with relatively minor intrusion into the allocated ETZ land and OP61 and OP62, and that the entrance to the landfill site (which is proposed to be used) is within OP62, the solar farm is considered to comply overall with the zoning policies in this area in the LDP.

### Natural Heritage and Biodiversity

In terms of environmental designations, Local Nature Conservation Sites, Tullos Hill and Balnagask to Cove lie to the west and east of the proposed solar farm respectively, however the land within the application site boundary is not subject to any formal environmental designations.

The solar farm site is covered by the Green Space Network designation which results in Policy NE2 being applicable. This seeks to protect, support and enhance the GSN in terms of its wildlife, biodiversity, ecosystem services and functions, access, recreation, landscape and townscape value. The coherence of the network should be maintained by any development. The application proposal would not change the status in relation to access or recreation as the site would remain fenced off as it presently is due to it being a former landfill. The solar farm is shown in the habitat survey to be relatively rich in plant species and the proposal is for this to be supplemented with selected native herb species and to undertake a management regime, including cutting, which helps increase biodiversity. Habitat survey and surveys for protected species took place over the application sites and a wider area. On the sites that would be developed there is no indication that protected species or other wildlife would be directly detrimentally impacted by the proposals. Birds are considered separately below.

Biodiversity enhancements are proposed in the form of additional seeding to the solar farm, seeding and tree planting to the hydrogen hub site. Discussions took place in relation to the potential for additional tree planting at the solar farm site, however, opportunities for this are limited due to the extent of area covered by the landfill. This has a cap of 800mm and tree planting is not possible within this area. The setting of the Cairns is characterised by views across the landscape and it would not be appropriate to plant trees within the immediate vicinity of these.

Policy B1 in the LDP requires landscaping of industrial sites, NPF4 Policy 3 requires biodiversity gain from development proposals. Tree planting and seeding are proposed and would be the subject of condition to agree the final details and ensure the use of native species.

Wintering and breeding birds surveys took place. Much of the bird activity noted in the surveys is off site and along the coast, however, the solar farm site in particular is used by breeding birds. It is recommended that any vegetation clearance should take place outside the bird nesting season and that if construction works are to take place during the bird nesting season then an ecologist should check for the presence of breeding birds. The conclusions of the wintering birds survey were:

- It is anticipated that large areas of the grassland within the Ness site will not be impacted upon by the proposed development and that there will still be available foraging habitat for wintering birds such as curlew after construction.
- It is anticipated that disturbance from the construction of the proposed development will be minimal due to the nature of the works. It is also apparent that the areas most frequently used by the highest number of waterbirds for both foraging and roosting are over 100m from the Ness and Hareness sites.
- The Coast Road which runs adjacent to the sites is frequently used by lorries and plant due to the current construction works at Nigg Bay. Waterbirds foraging in the area will therefore be habituated to disturbance from construction activity.
- It is recommended that gorse to the west of Hareness Site is not removed for the proposed development to enable the maintain an existing wintering site for woodcock (the survey included the area to the west of the hydrogen site, which is predominantly gorse covered and outside the site.)

Overall, the report concludes that the development would have no significant adverse impact on wintering birds.

In relation to the breeding bird survey, it is clear that the solar farm site is particularly good for skylark and due to the type and length of vegetation on site and the areas undisturbed nature, it is highly possible that this location is one of the best sites for skylark in the city. Whilst skylarks are found throughout the city, the species is in serious decline (UK population has declined by 63% since 1967 – RSPB) and is a Red List species. Mitigation is required for this species to create skylark plots which provide areas suitable nesting locations.

Conditions are proposed to be used in relation to breeding birds and the creation of skylark nesting locations

### Landscape Impact

A Landscape Visual Impact Assessment (LVIA) has been submitted in respect of the solar farm. This includes photomontages from various vantage points. The viewpoint at Balnagask Circle shows the solar panels on the skyline, although this is mitigated to some extent by the trees in the foreground and the wide angle of the view, which includes Tullos Hill to the south west and towards the coast and Harbour to the east. A view is also included from Farquhar Road, which is set further north and the solar panels are not easily discernible in that view. The panels would be highly visible from the east end of Tullos Hill and this is dealt with below in terms of impact on the setting of the nearby protected Cairn. Other views considered include those from Torry Battery, St Fitticks Church and the core path on the coast. Figure 4 includes the Zone of Theoretical Visibility and this demonstrates the extent of impact as being relatively local, with the residential areas of Torry, Balnagask and Kincorth as being those from where the solar farm could potentially be seen, however, increasingly indiscernibly.

Policy 11 in NPF4 acknowledges that landscape and visual impacts are to be expected for some forms of renewable energy. The policy states that where these are localised and / or appropriate design mitigation has been applied they will generally be considered acceptable.

Visual impacts would be created by the solar panels themselves, as well as the structures that support them. The panels support system and method of anchoring to the ground are not designed in detail and depend on a subsequent assessment of the weather / wind at this location. However, the planning statement indicates that the panels would be supported on structural frames with either 'pins' or concrete pads to anchor them to the ground toward the sides of the panels, rather than the entire panel area. Given the likely wind conditions on this site it is assumed that the concrete pads would be required, and these would need to be above ground so as not to disturb the landfill capping layer. The worst-case scenario is that these would be 1m in depth.

The LVIA concludes that the visual impact of the solar farm would be localised and this is accepted. The boundary fence to the solar farm site would be retained as existing. A condition would require details of any stretches of the fence that need to be replaced.

A Glint and Glare study was carried out, this showed only an insignificant impact on drivers of trains, vehicles and helicopters travelling to and from the hospital. Network Rail, the Roads Team and the Air Ambulance service. The nearest residential properties at Balnagask are to the north of the solar panels and due to the angle of the panels would not be susceptible to glint and glare, these were not assessed as part of the study. No other residential properties are both close enough and in a location where they may be impacted.

### Residential Amenity

A Noise impact assessment has been submitted and assessed by the Environmental Health Service. The equipment for the hydrogen hub has not yet been purchased however a 'worse case scenario' has been considered in terms of the noise impacts from the hub. With the attachment of

a condition that requires further information and sets limits for noise emissions from the site, it is considered that the proposal would not impact detrimentally on the closest residential properties in Burnbanks Village and individual properties. The exception to this is potential impact on Doonies Farmhouse, however, it is understood from the Council Estates Team that the lease of this property is not for residential use.

There would be no adverse impact on air quality from either the solar farm or the hydrogen site.

In terms of visual impact, the landscape visual impact assessment concludes that the visual impact would be localised rather than significant, and this is dealt with above.

#### Impact on Setting of Scheduled Ancient Monuments

Policy 7 Historic Assets and Places of NPF4 and Policy D6 Historic Environment in the LDP, as well as the Historic Environment Policy for Scotland (HEPS) seek to protect the historic environment and the Cairns on Tullos Hill, that, as well as St Fitticks Church are Scheduled Ancient Monuments (SAMs). The proposal has no direct impact on any of these SAMs, however, there is an impact on the setting of Crab's Cairn which is close to the existing landfill site fence, on the ridge of Tullos Hill, at the south west corner of the solar farm site.

Policies seek to minimise the impact on the setting of Crab's Cairn and the response from Historic Environment Scotland suggests that the solar panels are re-positioned in order to open up views of the surrounding land and sea. The applicant has agreed to do this, which can be achieved by way of a condition restricting the placement of solar panels within the area at the highest ground level – 66m above ordnance datum (AOD). A detailed layout of this area would be required in respect of this condition.

#### Community Wealth Building

NPF4 Policy 25 Community Wealth Building supports proposals which will contribute to local community wealth building strategies and the local economy, including building local resilience. The proposal would provide hydrogen from a locally generated renewable energy source, and this would be used for Council vehicles and buses. The proposal would further the aims of this policy.

#### Infrastructure Projects

It is recognised that the proposals, due to their location adjacent to the Coast Road, have the potential to impact upon the Aberdeen City South Harbour Link Road Improvements (ASHLR) works, which involve widening of Coast Road and Hareness Road. As the final details of the road project have not been agreed at the time of writing, it is necessary to apply conditions requiring final layout plans to be considered and agreed prior to the commencement of development. It has been confirmed that any necessary changes are minor and relate to the position of substation equipment at the solar farm and the access and SUDS location of the hydrogen hub. This approach ensures no conflict with the ASHLR project.

### **RECOMMENDATION**

Approve conditionally

### **REASON FOR RECOMMENDATION**

The application proposal comprises two main elements; the solar farm and the hydrogen hub, which would together produce renewable energy in the form of solar sourced electricity and hydrogen. The development is therefore welcomed as helping to tackle the climate crisis.

The solar farm site is largely on the area allocated for such use on the former Ness landfill site; the hydrogen hub is on land allocated for business and industrial use, whilst both would complement the Energy Transition Zone proposals for the wider area and with which they overlap in terms of the sites allocated for that use.

In terms of landscaping and biodiversity gain, opportunities for planting on the solar site are limited due to the landfill capping which cannot be disturbed by tree planting, however, the solar farm site would be seeded to enhance the richness of plant species. Conditions are attached that would ensure protection to breeding birds that use the site, whilst there would be no change to its existing use by other wildlife, access or recreation.

The Landscape Visual Impact Assessment demonstrates that the impact on views would be relatively localised and mitigated by the openness of landscape views in this area. Suitable conditions would control noise impact from the hydrogen hub. The setting of the Scheduled Ancient Monuments and in particular Crab's Cairn would be impacted by the proposals, however, a condition requires an amended layout in this area which would result in the re-locating of solar panels from the highest point of the site, near to the Cairn.

The hydrogen hub site would include tree planting and landscape planting in accordance with the requirements for business and industrial areas and to enhance biodiversity.

Conditions are recommended to provide for finalised layout details to accommodate the emerging plans for the Aberdeen South Harbour Link Road, providing the plans for that project are sufficiently advanced to inform the layout prior to the commencement of either parts of the development.

Overall the proposal would comply with the Development Plan. This includes the following policies in National Planning Framework 4:

Policy 1 – Tackling the Climate and Nature Crisis

Policy 2 – Climate Mitigation and Adaptation

Policy 7 - Historic Assets and Places

Policy 8 – Green Belts

Policy 9 – Brownfield Land

Policy 11 – Energy

Policy 13 – Sustainable Transport

Policy 14 – Design, quality and place

Policy 20 - Blue and green infrastructure

Policy 22 – Flood Risk and water management

Policy 23 - Health and safety

Policy 25 - Community Wealth Building

Policy 26 – Business and Industry

And the following policies in the Aberdeen Local Development Plan 2023:

NE1 – Green Belt

NE2 – Green Space Network

B1 – Business and Industrial Land

B5 – Energy Transition Zone (ETZ) .

WB1 – Health Developments

WB2 – Air Quality

WB3 – Noise

NE2 – Green and Blue infrastructure

NE3 – Our Natural Heritage

NE4 – Our Water Environment

D1 – Quality Placemaking

D4 – Landscape

D5 – Landscape Design

D6 – Historic Environment

R7 – Renewable and Low Carbon Energy Developments

I1 – Infrastructure Delivery and Planning Obligations

T2 – Sustainable Transport

T3 - Parking

Opportunity Sites: OP61: Doonies, OP62: Bay of Nigg, OP64: Former Ness Tip

## **CONDITIONS**

### (01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

### (02) HARENESS ROAD

That no development shall take place at the Hareness Road / Hydrogen Hub site unless there has been submitted to and approved in writing by the planning authority, a detailed plan showing the site layout, including location of Sustainable Urban Drainage (SUDS) and access from the adopted road, in relation to the Hareness Road / Coast Road/Access to the South Harbour improvement works/ widening plan, if available. The proposal shall thereafter be implemented only in accordance with the plan, or subsequent plan as so agreed, unless otherwise agreed in writing with the planning authority.

For the avoidance of doubt, the Hareness Road/Coast Road improvement plan shall be as provided by the Council at the time of discharge of the condition.

Reason:

In the interests of ensuring safe access and location of SUDS in relation to the proposed road improvements.

### (03) COAST ROAD

That the solar farm shall not be brought into operation unless there has been installed on site the sub-stations, transformers, inverters, monitoring house and storage in accordance with a layout plan submitted to and agreed in writing with the planning authority. For the avoidance of doubt, any of the listed components may be removed from the development and not included in the layout plan if no longer required. The location of the equipment shall be shown in relation to the Coast Road / Access to the South Harbour/ replacement of railway bridge improvement plan, if available from the Council at the time of discharge of the condition.

Reason: To help ensure efficient implementation of the development and road/bridge improvement project .

### (04) Construction Environmental Management Plan (CEMP)

That no development shall take place on either site unless there has been submitted to and approved in writing by the planning authority a CEMP for that site. The CEMP shall include the

regular checking during the bird nesting season (March to August) of the solar site for nesting birds by a qualified ecologist and measures to be implemented where nesting is found. Thereafter the developments shall be carried out in complete accordance with the relevant plan unless otherwise agreed in writing with the planning authority.

Reason: In the interests of protecting the environment and wildlife.

#### (05) BADGER SURVEY

That no development shall take place at either site (a. Hareness Road and b. Ness Landfill) unless surveys have been carried out by a suitably qualified expert within the 3 months prior to commencement of development in accordance with recommendations of the Preliminary Ecological Survey Report by AECOM June 2022 and the results together with any recommended mitigation measures submitted to and approved in writing by the planning authority. The measures shall thereafter be implemented in full on site.

Reason: To protect badgers

#### (06) EXTERNAL LIGHTING

No permanent lighting shall be installed unless there has been submitted to and approved in writing by the planning authority details of the lighting including an assessment of the extent of light spill. Light spill shall not occur outside the Ness site (boundary fence) and any impact on remaining scrub at Hareness Road site shall be minimised. Thereafter lighting shall be installed only fully in accordance with the details as so agreed.

Reason: In the interests of the protection of nature.

#### (07) INVASIVE NON-NATIVE SPECIES MANAGEMENT PLAN

That no works shall take place at either site (a. Hareness Road, b. Ness Landfill, c. Coast Road corridor) unless a survey for INNS has taken place on that site and a management plan has been submitted to and approved in writing by the planning authority. Any mitigation measures as so agreed shall be implemented in full in accordance with the plan.

Reason: In order to avoid the spread of INNS.

#### (08) LAYOUT OF PANELS

That no works to install solar panels hereby approved shall take place at the solar farm unless there has been submitted to, and approved in writing by the planning authority a revised detailed layout that avoids the siting of solar panels within the area of the highest ground level (66m OAD). The panels shall thereafter be installed in accordance with the plan as so approved, or such other as may be subsequently approved.

Reason: In order to protect the setting of the Crab's Cairn, a Scheduled Ancient Monument.

#### (09) NOISE

That no plant and equipment shall be installed at the Hydrogen Hub or the solar farm other than with mitigation measures in place in accordance with details that have been submitted to and approved in writing by the planning authority. The submission shall include details of the critical noise mitigation measures achieving at least an equivalent effect of those measures contained within section 5.01 of the Aberdeen Hydrogen Hub Noise Impact Assessment (AECOM, 10<sup>th</sup> March 2023, AHH-ACM-PH1-ZZ-RP-EN-011) takes place, including but not limited to:

- a) Installation of plant and equipment which complies with the noise emission data on which the assessment was based and contained within appendix D2, namely;
  - I. Table C.6.7 Sound power levels per m<sup>2</sup> of plant at Hydrogen Production and Re-fuelling Facility,
  - II. Table C.5 Sound power levels per unit of plant at Hydrogen Production and Re-fuelling Facility,
  - III. Table C.6 Sound power levels per m<sup>2</sup> of Transformers at Solar Farm Table C.7



Sound power levels per m<sup>2</sup> of Inverters at Solar Farm

Reason: In order to protect the amenity, health and well-being of the occupiers of nearby buildings.

(10) SUDS – SOLAR SITE

That no development shall take place on the solar site unless there has been submitted to and approved in writing by the planning authority (in agreement with Flooding Team) an assessment of the development's impact on surface water run-off rates and where required, mitigation measures needed to achieve no impact to the existing run-off rates, unless otherwise agreed in writing with the planning authority. The development shall not become operational unless the mitigation measures have been implemented in full in accordance with the details as so agreed.

Reason: In the interests of avoiding flooding and pollution.

(11) SUDS – HYDROGEN SITE

That no development shall take place on the hydrogen site unless there has been submitted to and approved in writing by the planning authority (in agreement with Flooding Team) an updated Drainage Strategy to show that no water will leave the site in scenarios up to the 1 in 200 years event and increase flood risk to the public road (Hareness Road). The development shall not be brought into use unless any mitigation measures recommended in the Drainage Strategy have been implemented in accordance with the strategy as so approved

(12) HARENESS ROAD BUS STOP RE-LOCATION

Unless otherwise agreed in writing with the planning authority, the hydrogen hub site shall not be brought into operation unless there has been installed on site a re-positioned bus stop and length of footway in accordance with plans submitted to and approved in writing by, the planning authority (in consultation with Roads DM Team). The submitted information shall include a detailed layout plan for the re-locating of the bus stop on the east side of Hareness Road and the laying of footway from the existing location to the new location where necessary.

Reason: In the interests of ensuring public transport provision and road safety.

(13) LANDSCAPE PLANTING AND MAINTENANCE (SOLAR FARM)

All landscaping proposals shall be carried out in accordance with the approved scheme as shown on AAH-ACM-PH1-S2-DR-LA-000001 A Solar Site - Landscape Plan or such other as may be subsequently approved in writing through this condition, and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a long term habitat management regime and maintenance of all the approved landscaped areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(14) LANDSCAPE PLANTING AND MAINTENANCE (HYDROGEN HUB)

That no works in connection with the development hereby approved shall take place unless a scheme landscaping works has been submitted to and approved in writing by the Planning

Authority. Gorse on the west side of the Hareness site shall be retained where possible for the proposed development to maintain existing wintering sites for woodcock.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new native trees, shrubs, hedges, grassed areas.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) An indication of any existing trees, shrubs and hedges to be removed.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme."

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

#### (15) SOLAR PANEL FOUNDATIONS/PINS

That no development shall take place on the solar site unless there have been submitted to and approved in writing by the planning authority, details of the required anchoring system for the solar panels. Thereafter the scheme shall be implemented in accordance with plans as so approved unless otherwise agreed in writing with the planning authority.

Reason: In the interests of safety and visual amenity.

#### (16) BIRD NESTING SEASON – VEGETATION CLEARANCE

That any vegetation clearing on either site should take place outside the bird nesting season, namely beginning of March to the end of August, unless a suitably qualified ecologist has checked for the presence of nesting birds.

Reason: To protect breeding birds

#### (17) SKYLARK NESTING LOCATIONS

That no development shall take place on the solar farm site unless there has been submitted to and approved in writing by the planning authority, proposals for the creation of skylark nesting habitat within the application site. The measures as so agreed shall be carried out within a timescale set out and agreed as part of the proposals, to ensure that nesting sites are available each breeding season.

Reason: To help protect breeding birds and ensure nesting sites are not lost.

### **ADVISORY NOTES FOR APPLICANT**

1. Operations creating noise which is audible at the sensitive receptors should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.